

**From:** [LERS, EOIR \(EOIR\)](#)  
**To:** [All of CLAD \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [Allen, Patricia M. \(EOIR\)](#); [Anderson, Jill \(EOIR\)](#); [Baptista, Christina \(EOIR\)](#); [Barry, Robert \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [BIA TEAM JLC \(EOIR\)](#); [BIA TEAM P \(EOIR\)](#); [Brazill, Caitlin \(EOIR\)](#); [Burgie, Brea \(EOIR\)](#); [Burgus, Elizabeth \(EOIR\)](#); [Calvert, Irvina \(EOIR\)](#); [Cardenas, Lupe \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [Cicchini, Daniel \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Crossley, Maurice \(EOIR\)](#); [Cudo, Relanie \(EOIR\)](#); [Curry, Michelle \(EOIR\)](#); [D'Angelo, Matthew \(EOIR\)](#); [Evans, Brianna \(EOIR\)](#); [Friedman, Paul \(EOIR\)](#); [Gonzalez, Robert \(EOIR\)](#); [Grodin, Edward \(EOIR\)](#); [Hammond, Nicole \(EOIR\)](#); [Hartman, Alexander \(EOIR\)](#); [Hess, Chris \(EOIR\)](#); [Kaplan, Matthew \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Lang, Steven \(EOIR\)](#); [LERS, EOIR \(EOIR\)](#); [Lovejoy, Erin \(EOIR\)](#); [Martinez, Casey L. \(EOIR\)](#); [Mitchell, Carla \(EOIR\)](#); [Morteo, Cristina \(EOIR\)](#); [Noferi, Mark \(EOIR\)](#); [Nunez, Steven \(EOIR\)](#); [O'Hara, Shelley M. \(EOIR\)](#); [Park, Jeannie \(EOIR\)](#); [Podgorski, Monika \(EOIR\)](#); [Powell, Karen B. \(EOIR\)](#); [Ramirez, Sergio \(EOIR\)](#); [Rimmer, Phillip \(EOIR\)](#); [Robbins, Laura \(EOIR\)](#); [Rodrigues, Paul A. \(EOIR\)](#); [Rodriguez, Bernardo \(EOIR\)](#); [Rothwarf, Marta \(EOIR\)](#); [Sanders, John W. \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Schaaf, Joseph R. \(EOIR\)](#); [Smith, Terry \(EOIR\)](#); [Stutman, Robin M. \(EOIR\)](#); [Swanwick, Daniel \(EOIR\)](#); [Taufa, Elizabeth \(EOIR\)](#); [Vayo, Elizabeth \(EOIR\)](#)  
**Cc:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Sheehy, Kate \(EOIR\)](#); [Moutinho, Deborah \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Adams, Amanda \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#); [Macri, Andrea \(EOIR\)](#); [Morgan, Kenosha \(EOIR\)](#); [EOIR Library \(EOIR\)](#)  
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**EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW**  
Office of Policy | Legal Education and  
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| Policy & Case Law Bulletin  
November 2, 2018

## Federal Agencies

### DOJ

- [The Board issues a Decision in Matter of J-R-G-P- — EOIR](#)

27 I&N Dec. 482 (BIA 2018)

Where the evidence regarding an application for protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature Dec. 10, 1984, G.A. Res. 39/46, 39 U.N. GAOR Supp. No. 51, at 197, U.N. Doc. A/RES/39/708 (1984) (entered into force June 26, 1987; for the United States Apr. 18, 1988), plausibly establishes that abusive or squalid conditions in pretrial detention facilities, prisons, or mental health institutions in the country of removal are the result of neglect, a lack of resources, or insufficient training and education, rather than a specific intent to cause severe pain and suffering, an Immigration Judge's finding that the applicant did not establish a sufficient likelihood that he or she will experience "torture" in these settings is not clearly erroneous.

- [Virtual Law Library Weekly Update — EOIR](#)

This update includes resources recently added to EOIR's internal or external Virtual Law Library, such as Federal Register Notices, country conditions information, and links to recently-updated immigration law publications.

### DHS

- [USCIS and CBP Extend Form I-129 Pilot Program for Canadian L-1 Nonimmigrants](#)

On October 31, 2018, USCIS and CBP announced the extension of the pilot program for Canadian citizens seeking L-1 nonimmigrant status under the North American Free Trade Agreement until April 30, 2019. The pilot program allows Canadian citizens to request that USCIS remotely adjudicate their petitioning employer's Form I-129 prior to their arrival.

- [Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador](#)

On October 31, 2018, USCIS gave notice that beneficiaries under the Temporary Protected Status (TPS) designations for Sudan, Nicaragua, Haiti, and El Salvador will retain their status in order to ensure compliance with the preliminary injunction issued by the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Ca. Oct. 3, 2018). USCIS further announced that it is automatically extending the validity of TPS-related Employment Authorization Documents through April 2, 2019.

- [Policy Alert: Immigrant Investors and Debt Arrangements](#)

On October 30, 2018, USCIS announced it is revising the [USCIS Policy Manual](#) to clarify its policy on debt arrangements. The update, related to immigrant visas based on investments in commercial enterprises, clarifies which redemption agreements are considered debt arrangements and therefore are not qualifying investments where the investor holds a redemption right or the new commercial enterprise is otherwise obligated to redeem the investor's equity interest.

- [USCIS to Expand Information Services Modernization Program to Key Locations](#)

On October 30, 2018, USCIS announced that the Information Services Modernization Program will begin in certain field offices. The program ends self-scheduling of InfoPass appointments and instead encourages applicants to use USCIS online information resources to view general how-to information and check case status through the USCIS Contact Center.

DOS

- [DOS Updates 9 FAM](#)

DOS updated 9 FAM to revise conflicting information related to the eligibility of an immigrant visa applicant for waivers of certain grounds of ineligibility within [9 FAM 305.2](#).

## Supreme Court

CERT. DENIED

- [Sun v. Sessions](#)

No. 17-1701, 2018 U.S. LEXIS 6425 (Oct. 29, 2018)

[Question Presented](#): Whether, under 8 U.S.C. § 1158(b)(1)(B)(ii), an asylum applicant whose testimony is deemed credible, but whom the Immigration Judge determines "should provide evidence that corroborates otherwise credible testimony," must be given the opportunity to obtain and provide such evidence.

- [Gicharu v. Sessions](#)

No. 18-242, 2018 U.S. LEXIS 6464 (Oct. 29, 2018)

[Questions Presented](#): (1) Whether the First Circuit Court upheld the error by the Board of Immigration Appeals in failing to address the petitioners' meritorious arguments that they should be subject to equitable tolling and eligible to reopen their case? Whether this failure further violates the due process rights of the petitioners to present their claims for relief and is in conflict with other circuit courts and in violation of the U.S. obligation under the Convention Against Torture? Whether, in particular, the female petitioner has been improperly denied an opportunity to present her meritorious claims for relief given that she was foreclosed from testifying on her own behalf and filed a standalone application for withholding of removal for the first time in front of the Board of Immigration Appeals? (2) Whether the lower court erred in conflict with other circuits where petitioners presented evidence that they did not receive notice of the Board's denial and were prejudiced by prior counsel's ineffective representation in violation of their rights to seek appellate review of their claims for relief?

- [Amin v. Sessions](#)

No. 18-5860, 2018 U.S. LEXIS 6502 (Oct. 29, 2018)

Question(s) presented are not available at this time.

- [Singh v. Sessions](#)

No. 18-5975, 2018 U.S. LEXIS 6416 (Oct. 29, 2018)

Question(s) presented are not available at this time.

### First Circuit

- [Kuffour v. Sessions](#)

No. 17-1855, 2018 WL 5307702 (1st Cir. Oct. 26, 2018) (Motions)

The First Circuit denied the PFR, concluding that the Board did not abuse its discretion when it denied a motion to reconsider based on claims of eligibility for cancellation of removal and ineffective assistance of counsel. The court noted that Kuffour's motion "did not point to specific errors in the BIA's assessment of his contentions." Reconsideration was not warranted without identification of the Board's error of fact or law.

### Fifth Circuit

- [United States v. Lewis](#)

No. 17-50526, 2018 WL 5661022 (5th Cir. Nov. 1, 2018) (Crime of Violence)

The Fifth Circuit vacated the entire sentence and remanded to the district court for sentencing consistent with their opinion. The court, after relying on *United States v. Davis*, 903 F.3d 483 (5th Cir. 2018), petition for cert. filed (Oct. 3, 2018) (No. 18-431), vacated Lewis's conviction for possession, use, and carrying a firearm during an in relation to a crime of violence in violation of 18 U.S.C. §§ 2 and 924(c) (2012), because the underlying offense for conspiracy to commit Hobbs Act robbery in violation of 18 U.S.C. § 1951 is not a crime of violence under the "elements clause," pursuant to 18 U.S.C. § 924(c)(3)(A) (analogous to 18 U.S.C. § 16(a)).